

REMARKS

Claims 1-4 and 7-9 have been rejected under 35 U.S.C. §102(b) as being anticipated by Fox, U.S. Patent No. 4,815,896.

The examiner's rejections are respectfully traversed.

The applicants' invention is directed to an anti-scaling device including a hollow central body portion mounted on a bar for rotation around a transverse axis. The bar passes through the hollow central portion along the transverse axis. Several spike units extend outwardly from the body portion in different directions. The spike units can rotate during use even after being mounted on the central body portion, around axes non-congruent with the transverse axis.

On the other hand, Fox does not disclose an anti-scaling device but a deep sea shark cable protector. The reference discloses the protector clamped to a cable not mounted on a bar and not mounted for rotation. It would not seem to be obvious to use the combination of underwater cable and protector disclosed by Fox as an anti-scaling device. Figures 5 and 6 and the corresponding text of Fox, do not disclose a hollow central body portion mounted on a bar for rotation around a transverse axis. In so far as Fox discloses a hollow central body portion 8, 9, this is a clamp, see column 2 lines 9-47. A clamp is not rotatable when clamped, otherwise it would not be a clamp. Additionally, the hollow body is clamped to an underwater cable, not the bar. There is no disclosure in Fox that the spikes disclosed in Figures 5 and 6 are rotatably mounted. They are attached by screwing the spike into the ring portion of the clamp. Attached by screwing describes a process by which spikes become attached/mounted on the ring portion. No one would take that disclosure as instructions to clamp the ring portion to a cable with the spikes loose since they would be at risk of falling out. Although there is no disclosure, it is highly probable that each spike would be tightened up one at a time, so there

would never be “several spike units rotatably mounted”. Even if two or more of Fox’s spikes were assembled loosely before tightening this would be an intermediate product which it would not be obvious to mount on a bar or a cable. Thus, the applicants’ invention is not anticipated by Fox ‘896.

Claims 1, 5, 6 and 10 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Francis, U.S. Patent No. 4,739,970 in view of Fox ‘896.

The examiner’s rejections are respectfully traversed.

With the combination of Francis and Fox, it would not be obvious to modify the anti-scaling device taught by Francis by the teaching of Fox in relation to protection for underwater cables from sharks. Even if one did combine the two, the spikes disclosed by Fox are not mounted rotatably on the hollow central body portion, but are fixed. Thus, the applicants’ invention is now obvious in view of Francis ‘970 in view of Fox ‘896.

In view of the foregoing, it is believed that the amended claims and the claims dependent there from are in proper form. The Applicants respectfully contend that Fox ‘896 does not establish a *prima facie* case of obviousness under the provisions of 35 U.S.C. §102(b). The Applicants also respectfully contend that the teachings of Francis ‘970 in view of Fox ‘896 do not establish a *prima facie* case of obviousness under the provisions of 35 U.S.C. §103(a). Thus, claims 1-10 are considered to be patently distinguishable over the prior art of record.

The application is now considered to be in condition for allowance, and an early indication of same is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Arlene J. Powers', written over a horizontal line.

Arlene J. Powers
Registration No. 35,985
Gauthier & Connors LLP
225 Franklin Street, Suite 3300
Boston, Massachusetts 02110
Telephone: (617) 426-9180
Extension 110